

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No.: 3:03-CR-29
v.)	(VARLAN/SHIRLEY)
)	
MAURICE EDWARD HUGHLEY,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

A report and recommendation has been forwarded to the undersigned recommending that this case be certified as complex. Standby counsel for the defendant was appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and has filed a motion requesting that this case be declared complex and extended for purposes of court-appointed attorney's fees [Doc. 319].

The report and recommendation points out that the *pro se* defendant has been convicted of one count of fraudulent use of unauthorized access devices and five counts of possession of counterfeited securities. He is scheduled to be sentenced on January 12, 2006. Standby counsel joined this case on January 12, 2005, after the defendant had discharged three appointed attorneys and two other standby counsel. Between the time that present counsel joined the case and the defendant's trial in August 2005, the defendant filed forty-seven motions. In addition to advising the defendant on pretrial matters and assisting with the four-day trial, counsel presently anticipates objecting to the presentence report and

assisting the defendant with the sentencing hearing at which evidence will be presented. Finally, the report notes that the voluminous record and motion practice, the defendant's novel theories of jurisdiction and other legal issues, and the defendant's health concerns have increased the time required to assist the defendant in representing himself well beyond that required in the typical case. Because of the number and unusual nature of the legal issues raised by the *pro se* defendant, the nature and seriousness of the charges of which the defendant has been convicted, and the unique difficulties involved in representing this defendant, it is the conclusion of the report and recommendation that this case meets the definitions of "complex" and "extended" and that excess payments may be necessary to provide fair compensation to counsel.

The Court agrees with the report and recommendation and hereby **ADOPTS** the same. This order adopting the report and recommendation, along with a copy of the report and recommendation approved by the undersigned, shall be forwarded to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE